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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

JAN L.R. CLATTY

U.S. Serial No.: 09/876,778

For: POLYURETHANE FOAMS HAVING  
IMPROVED HEAT SAG AND A  
PROCESS FOR THEIR PRODUCTION

Art Unit: 1711

Examiner: John M. Cooney

Filed: June 7, 2001

**TERMINAL DISCLAIMER**

Petitioner, Bayer MaterialScience LLC which formerly did business as Bayer Polymers LLC (formerly Bayer Corporation) is the owner of 100 percent interest in the instant application. The assignment from the inventor(s) or chain of title from the inventor(s), of the application identified above was recorded in the U.S. Patent and Trademark Office on June 7, 2001, at Reel 011910, Frame(s) 0001, then assigned to Bayer Polymers LLC on May 12, 2003, at Reel 014035, Frame 0762.

Petitioner hereby disclaims except as provided below the terminal part of the statutory term of any patent granted on the application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on U.S. Patent No. 6,649,667, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent be the same as the legal title to the above referenced application or patent, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of the above-listed application in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to the grant of the patent.